



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

March 16, 2016

Pam Jarecki, Office Manager
Lake of the Woods Mutual Water Company
7025 Cuddy Valley Road, Unit F
Frazier Park, CA 93225

**RE: LAKE OF THE WOODS MUTUAL WATER COMPANY (SYSTEM NO. 1510023)
CORRECTION TO DIRECTIVE NUMBERS OF CITATION FOR NITRATE MCL
VIOLATION**

Dear Ms. Jarecki,

The State Water Resources Control Board (hereinafter State Board), Division of Drinking Water issued Citation No 03_19_16C_012 on March 11, 2016, to Lake of the Woods Mutual Water Company, to document the nitrate MCL violation of Well 07. After the citation was issued, we learned that an error was made in the sequence number of the "Directives" of the citation. The citation incorrectly listed Directive Nos. 10 and 11, instead of Directive Nos. 6 and 7. The State Board has made corrections to the sequence number of the directives. The corrected Citation No. 03_19_16C-012 is **enclosed**. Please note that date of issue of citation remains the same. Please make a note of the corrections in the sequence number of the directives in the citation and refer to the corrected citation and directive numbers in any future communication with the State Board, about the nitrate MCL compliance actions.

If you have any questions regarding this letter, please contact the Tehachapi District Office at (661) 335-7315.

Sincerely,

A handwritten signature in black ink, reading "Jaswinder S. Dhaliwal".

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
Southern California Drinking Water Field Operations Branch
DIVISION OF DRINKING WATER

Enclosure: Corrected Citation No. 03_19-16C_012

CC: Kern County Environmental Health Services Department (w/out enclosure)
Robert Stowell, President, lake of the Woods Mutual Water Company (via email)
Michael Hightower, Jr., Chief Operator, Lake of the Woods MWC (via email)

1 CALIFORNIA

2 STATE WATER RESOURCES CONTROL BOARD

3 DIVISION OF DRINKING WATER

4 TO: Lake of the Woods Mutual Water Company Water System
5 System No. 1510023

6 ATTN: Pam Jarecki, Office Manager
7 Lake of the Woods Mutual Water Company
8 7025 Cuddy Valley Rd. Unit F
9 Frazier Park, CA 93225

10 CERTIFIED MAIL

11
12 CITATION NO. 03_19_16C_012

13 FOR

14 VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(1)
15 AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE
16

17 Dated March 11, 2016

18
19 The State Water Resources Control Board (hereinafter "State Board"), acting by and through
20 its Division of Drinking Water and the Deputy Director for the Division (hereinafter "Deputy
21 Director"), hereby issues this citation (hereinafter "Citation") pursuant to Section 116650 of the
22 California Health and Safety Code (hereinafter "CHSC") to Lake of the Woods Mutual Water
23 Company for violation of CHSC section 116555(a)(1) and Title 22, California Code of
24 Regulations (hereinafter "CCR"), Section 64431.
25
26
27

APPLICABLE AUTHORITIES

CHSC, Section 116550 states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

| <i>Chemical</i> | <i>Maximum Contaminant Level, mg/L</i> |
|-----------------------------------|--|
| Aluminum | 1. |
| Antimony | 0.006 |
| Arsenic | 0.010 |
| Asbestos | 7 MFL* |
| Barium | 1. |
| Beryllium | 0.004 |
| Cadmium | 0.005 |
| Chromium | 0.05 |
| Cyanide | 0.15 |
| Fluoride | 2.0 |
| Hexavalent chromium | 0.010 |
| Mercury | 0.002 |
| Nickel | 0.1 |
| Nitrate (as nitrogen) | 10. |
| Nitrate+Nitrite (sum as nitrogen) | 10. |
| Nitrite (as nitrogen) | 1. |
| Perchlorate | 0.006 |
| Selenium | 0.05 |
| Thallium | 0.002 |

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR Section 64432.1 (hereinafter "Section 64432.1") provides in relevant part:

Section 64432.1

...

(a)(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water

supplier shall also require the laboratory to immediately notify the State Board of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

(A) Collect another sample, and

(B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the State Board within 24 hours. If the average does not exceed the MCL, inform the State Board of the results within seven days from the receipt of the original analysis.

(C) If a system is unable to resample within 24 hours, it shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.

STATEMENT OF FACTS

The State Board is informed by the Lake of the Woods Mutual Water Company and believes that the Lake of the Woods Mutual Water Company Water System (hereinafter "Water System") is a community water system located in Kern County that supplies water for domestic purposes to approximately 945 individuals through approximately 378 service connections. The Water System operates under Domestic Water Supply Permit No. 03-19-11P-025, issued on December 30, 2011, by the California Department of Public Health. The Water System is a community public water system as defined in CHSC, section 116275.

1
2 The Water System utilizes seven groundwater wells (Well 01-Cardon, Well 02-Vernon, Well 03,
3 Well 04, Well 05-Cuddy, Well 06-Dark Canyon, and Well 07) as its source of domestic water.
4 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards
5 and monitoring and reporting requirements for inorganic constituents. Community and
6 nontransient noncommunity water systems must comply with the maximum contaminant level
7 for nitrate of 10. mg/L as nitrogen (N), as established in Title 22 CCR Section 64431.
8 Previously, the maximum contaminant level for nitrate was 45. mg/L as nitrate (NO₃). Starting
9 January 1, 2016, all nitrate results shall be reported as N.
10

11 The Water System is receiving emergency funding from the State Board to mitigate the water
12 capacity problems. Well 07 (PS Code: 1510023-016) was drilled using emergency funding
13 from the State Board. A sample collected on September 24, 2015, from Well 07, showed a
14 nitrate (as N) concentration of 14 mg/L in the well, which was higher than the nitrate (as N)
15 MCL of 10. mg/L. A confirmation sample was collected on October 14, 2015, from Well 07,
16 and showed a nitrate (as NO₃) concentration of 71 mg/L in the well, which was still higher than
17 the nitrate (as NO₃) MCL of 45. mg/L. Due to the high nitrate concentration in Well 07, a nitrate
18 blending treatment plan was proposed. The nitrate blending treatment plans were approved
19 by the State Board on February 18, 2016. It is estimated that the nitrate blending treatment
20 facilities would be constructed by May 2016. Due to the Water System was not being able to
21 meet its water demand, the Water System requested the State Board to allow the use of Well
22 07 without nitrate blending treatment. On January 27, 2016, the State Board allowed the use
23 of Well 07. The Water System provided public notice of its inability to meet the nitrate MCL on
24 January 27, 2016, and on January 28, 2016. The Water System placed Well 07 in service on
25 February 9, 2016, and continues to use the well to meet its water demand. A nitrate sample
26
27

was collected on February 11, 2016, from Well 07, and showed a nitrate (as N) concentration of 16 mg/L in the well, which was still higher than the nitrate (as N) MCL of 10. mg/L.

DETERMINATIONS

Based on the above Statement of Facts, the State Board has determined that the Water System has violated CHSC, Section 116555 and Section 64431, in that the water produced by Well 07 exceeded the nitrate MCL.

DIRECTIVES

Lake of the Woods Mutual Water Company Water System is hereby directed to take the following actions:

1. On or before **May 31, 2016**, comply with Title 22, CCR, Section 64431 and remain in compliance.
2. On or before **March 31, 2016**, submit a written response to the State Board indicating its agreement to comply with the directives of this Citation.
3. Commencing on the date of service of this Citation, provide quarterly public notification in accordance with **Attachment A**, hereto, of Water System's failure to meet the nitrate MCL. The quarterly notification must include the most recent quarterly nitrate results.

4. Commencing on the date of service of this Citation, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as **Attachment B**, hereto.
5. Commencing on the date of service of this Citation, collect monthly samples for nitrate from Well 07, and ensure that the analytical results are reported to the State Board electronically by the analyzing laboratory, no later than the 10th day following the month in which the analysis was completed.
6. Not later than ten (10) days following the date of compliance with the nitrate MCL, demonstrate to the State Board that the water delivered by Water System complies with the nitrate MCL.
7. Notify the State Board in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Citation shall be addressed to:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Tehachapi District
4925 Commerce Drive, Suite 120
Bakersfield, California 93309

As used in this Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, personal or by certified mail, on the Water System.

1
2 The State Board reserves the right to make such modifications to this Citation and/or to issue
3 such further Citation(s) as it may deem necessary to protect public health and safety. Such
4 modifications may be issued as amendments to this Citation and shall be deemed effective
5 upon issuance.
6

7 Nothing in this Citation relieves Water System of its obligation to meet the requirements of the
8 California SDWA, or any regulation, standard, permit or Citation issued thereunder.
9

10 11 **PARTIES BOUND**

12 This Citation shall apply to and be binding upon Water System, its owners, shareholders,
13 officers, directors, agents, employees, contractors, successors, and assignees.
14

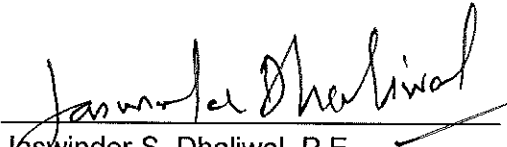
15 16 **SEVERABILITY**

17
18 The Directives of this Citation are severable, and Water System shall comply with each and
19 every provision hereof, notwithstanding the effectiveness of any other provision.
20

21 22 **FURTHER ENFORCEMENT ACTION**

23 Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State Board to:
24 issue additional citations with assessment of penalties if a public water system continues to fail
25 or correct a violation identified in a citation; take action to suspend or revoke a permit that has
26 been issued to a public water system if the system has violated applicable law or regulations or
27

has failed to comply with orders of the State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water

March 11, 2016
Date

Certified Mail No. 7015 1520 000 4433 1723

Attachments

Attachment A: Public Notification Template

Attachment B: Certification of Completion of Public Notification Template

Cc: Kern County Environmental Health Services Department (w/o attachments)
Robert Stowell, President, Lake of the Woods Mutual Water Company

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

DRINKING WATER WARNING

Lake of the Woods Mutual Water Company water has high levels of nitrate

DO NOT GIVE THE WATER TO
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN
OR USE IT TO MAKE INFANT FORMULA

To prevent water outages in the distribution system, Lake of the Woods Mutual Water Company is using the new well (Well 7) to supply domestic water. Water samples collected on _____, from Well 7, showed nitrate levels of _____ milligrams per liter (mg/L as nitrogen). This is above the nitrate standard, or maximum contaminant level (MCL), of 10 mg/L (as nitrogen). Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

A blending tank will be installed to be able to blend the water from Well 7 with other wells. We anticipate completing that before May 2016. Lake of the Woods Mutual Water Company will notify you once the water is blended and is below the nitrate MCL.

For more information, please contact Pam Jarecki, Office Manager, Lake of the Woods Mutual Water Company at (661) 245-1448 or the State Water Resources Control Board, Division of Drinking Water at (661) 335-7315.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Lake of the Woods Mobile Villa.

State Water System ID#: 1510023. Date distributed: _____.

Certification of Completion of Public Notification

(Include a Copy of Public Notice with the Certification of Completion of Public Notification)

This form, when completed and returned to the Division of Drinking Water – Tehachapi District (4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 or fax to 661-335-7316), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Lake of the Woods Mutual Water Company

Public Water System No.: 1510023

Public notification for nitrate MCL violation for the () Quarter of

was performed by the following method(s) (check and complete those that apply):

- ☐ The notice was mailed to users on: _____
A copy of the notice is attached.
- ☐ The notice was hand delivered to water customers on: _____
A copy of the notice is attached.
- ☐ The notice was published in the local newspaper on: _____
A copy of the newspaper notice is attached.
- ☐ The notice was posted at conspicuous places on: _____
A copy of the notice is attached.
A list of locations the notice was posted is attached.
- ☐ The notice was delivered to community organizations on: _____
A copy of the notice is attached.
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

Printed Name

Title

Signature

Date

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the State Board, Division of Drinking Water within 24 hours of issuance of notice to customers

Enforcement Action No. 03-19-16C-012